

WK:SP
2023R00375

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

JAMES YOUNG,

Defendant.

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FILED UNDER SEAL

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF APPLICATION FOR AN
ARREST WARRANT

(T. 18, U.S.C., §§ 1951(a), 2
and 3551 et seq.)

23-MJ-728

EASTERN DISTRICT OF NEW YORK, SS:

BRIAN MCCARTHY, being duly sworn, deposes and says that he is a Task Force Officer in the Bureau of Alcohol, Tobacco, and Firearms (“ATF”) and New York City Police Department (“NYPD”) Joint Robbery Task Force, duly appointed according to law and acting as such.

On or about April 12, 2023, within the Eastern District of New York, the defendant JAMES YOUNG did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from a delicatessen located at 45-17 Broadway in Queens, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the ATF and have been involved in the investigation of numerous cases involving firearms offenses. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for violent crimes, including armed robberies. These investigations are conducted both in an undercover and overt capacity. I have participated in investigations involving search warrants and arrest warrants.

2. I am familiar with the facts and circumstances set forth below from my personal knowledge, my review of records of the investigation, and conversations with law enforcement personnel. Unless otherwise noted, wherever in this Affidavit I assert that a statement was made, the information was provided by another agent or law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are provided in substance and in part unless otherwise indicated.

3. I and other law enforcement agents have been investigating the armed robberies of several delis and grocery stores in neighborhoods in and around Brooklyn and Queens, New York. The ATF and the NYPD have identified a pattern of armed robberies of grocery stores and delis in Brooklyn and Queens on April 12, 2023, April 29, 2023, June 26, 2023 and July 18, 2023 (collectively, the "Robberies").

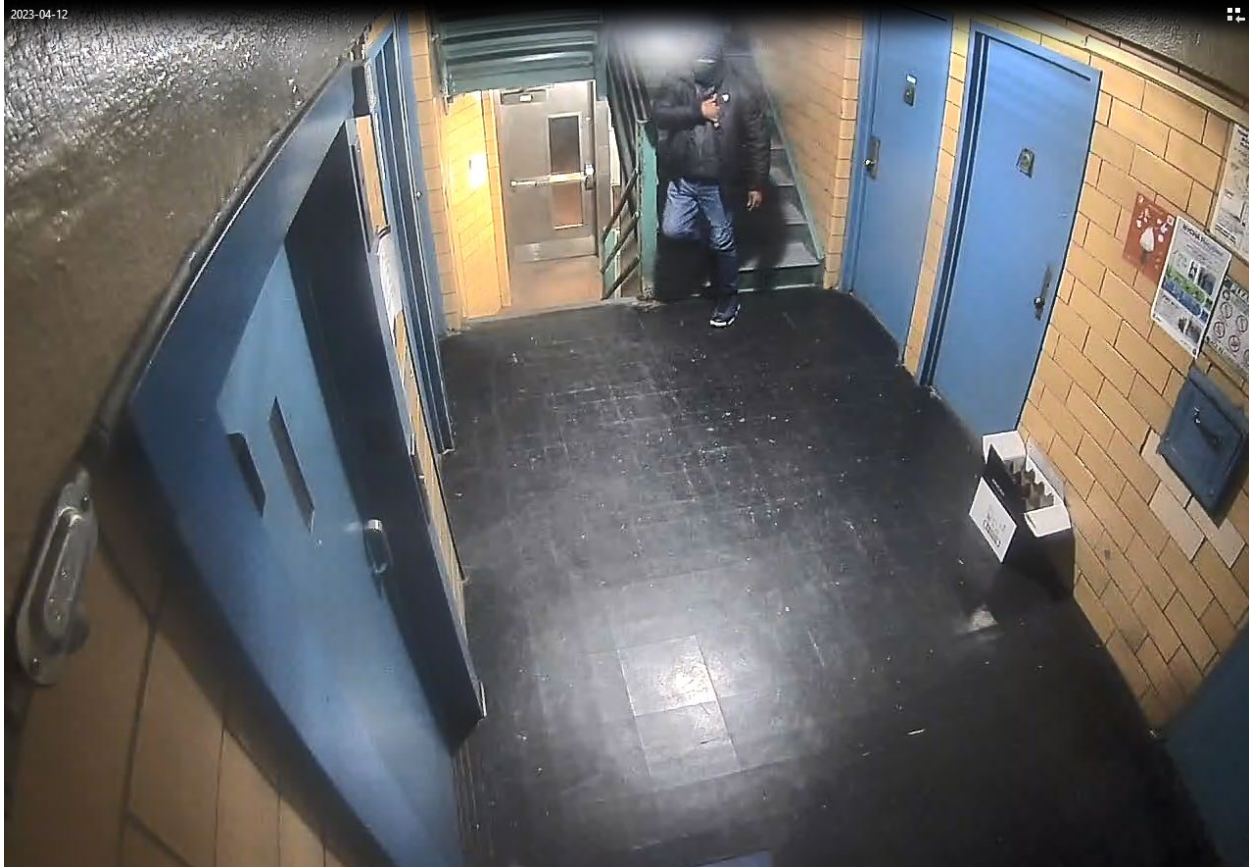
¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

4. In all four robberies, the perpetrator entered the deli or grocery store wearing dark clothing and a mask. The perpetrator further pointed a black gun at the cashier, threw a black bookbag at the cashier, demanded money and then fled.

THE APRIL 12, 2023 ROBBERY

5. On April 12, 2023, at approximately 1:20 a.m., security video footage from the stairwell at 41-14 Vernon Boulevard, Queens depicted YOUNG² wearing a black baseball cap, black jacket, dark blue pants, black sneakers with a white sole and a black ski-type mask leaving the building. Exterior cameras depicted YOUNG leaving the Queensbridge Houses, walking towards 12th Street. At approximately 3:32 a.m., YOUNG walked into 45-17 Broadway, in Queens, New York, a deli and smoke shop. Security footage from the shop depicted YOUNG throwing a black bookbag at the cashier, pointing a black gun with his left hand and demanding that the cashier put money into the bag. The cashier placed approximately \$1,200 into the bookbag. YOUNG then left the location. Photos of YOUNG leaving 41-14 Vernon Boulevard on April 12, 2023 and of YOUNG inside the deli and smoke shop that same day are on the following page.

² My bases for identifying this individual as Young are, in part, provided in paragraphs 9 through 11, below.



THE APRIL 29, 2023 ROBBERY

6. On April 29, 2023, at approximately 2:01 a.m., security video footage from 54-03 Northern Boulevard, Queens, a deli, depicted YOUNG entering the location wearing a black jacket with a white logo on the left chest, a hooded sweatshirt with the hood over his head, dark pants, and his face covered with a mask. YOUNG initially walked past the cashier and headed towards the rear of the deli but turned back around and approached the cashier. YOUNG placed a bookbag on the counter, pushed it towards the cashier, and pointed a black gun at the cashier. The gun and the bookbag appeared to be the same as those that YOUNG used in the April 12 robbery. The video footage captured audio and recorded YOUNG demanding in sum and substance, “don’t play with me, take the bag, money in the bag, cigarettes in the bag hurry up, you play any games I will shoot you, all the money in the bag, Newports in the bag, take the bag and put the Newports in it, more cigarettes, hurry up, hurry up or I’ll shoot you.” After YOUNG took the money and the cigarettes, YOUNG demanded that the cashier lie on the floor, facedown, until YOUNG left the deli. Once YOUNG saw that the cashier was on the floor, YOUNG left the location. A photo of YOUNG inside the deli that day is on the following page.

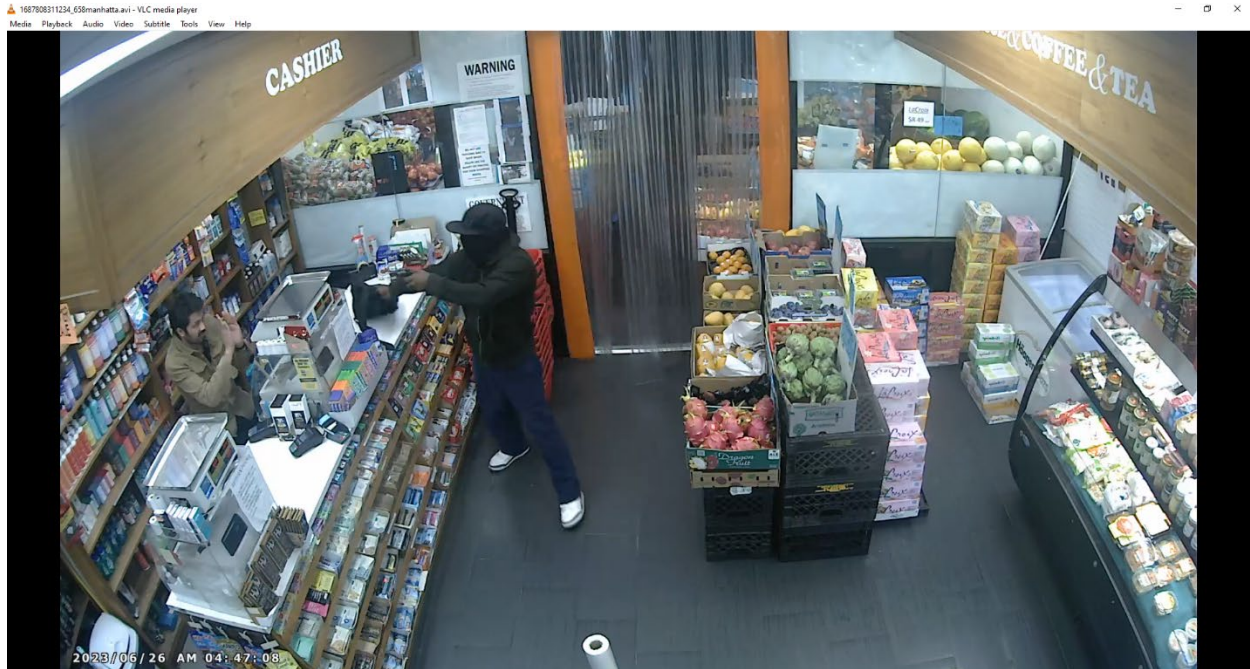


THE JUNE 26, 2023 ROBBERY

7. On June 26, 2023, at approximately 1:18 a.m., security video footage from 41-14 Vernon Boulevard depicted YOUNG walking down the stairs, unmasked and wearing what appeared to be the same black baseball cap from the April 12 robbery, a black zip up hooded sweater, dark blue pants and white sneakers with a black line around the sides. YOUNG is then depicted exiting the location. That same day, at approximately 4:47 a.m., YOUNG walked into 658 Manhattan Avenue, Brooklyn, a grocery store. Security video footage from the grocery store showed YOUNG wearing the same clothing he was depicted wearing when leaving 41-14 Vernon Boulevard at approximately 1:18 a.m., apart from his face now covered by a black ski-type mask. YOUNG pointed a black gun at the cashier, threw a black bookbag used at the cashier, and demanded that he put money into the bag. The black gun and the black bookbag depicted in the video footage appeared to be the same gun and bookbag YOUNG used in the prior two robberies. After cashier placed approximately \$2,000 in the black bookbag, YOUNG lifted the register's till to see if there was any cash remaining. YOUNG then took the black

bookbag and left the location. Security video footage from the stairwell of 41-14 Vernon Boulevard, depicted YOUNG, now unmasked, entering the location from the stairwell, wearing the same items he wore during the robbery at approximately 6:28 a.m. A photo of YOUNG leaving 41-14 Vernon Boulevard on June 26, 2023 is below; a photo of YOUNG inside the grocery store that same day and a photo of YOUNG returning to 41-14 Vernon Boulevard are on the following page.

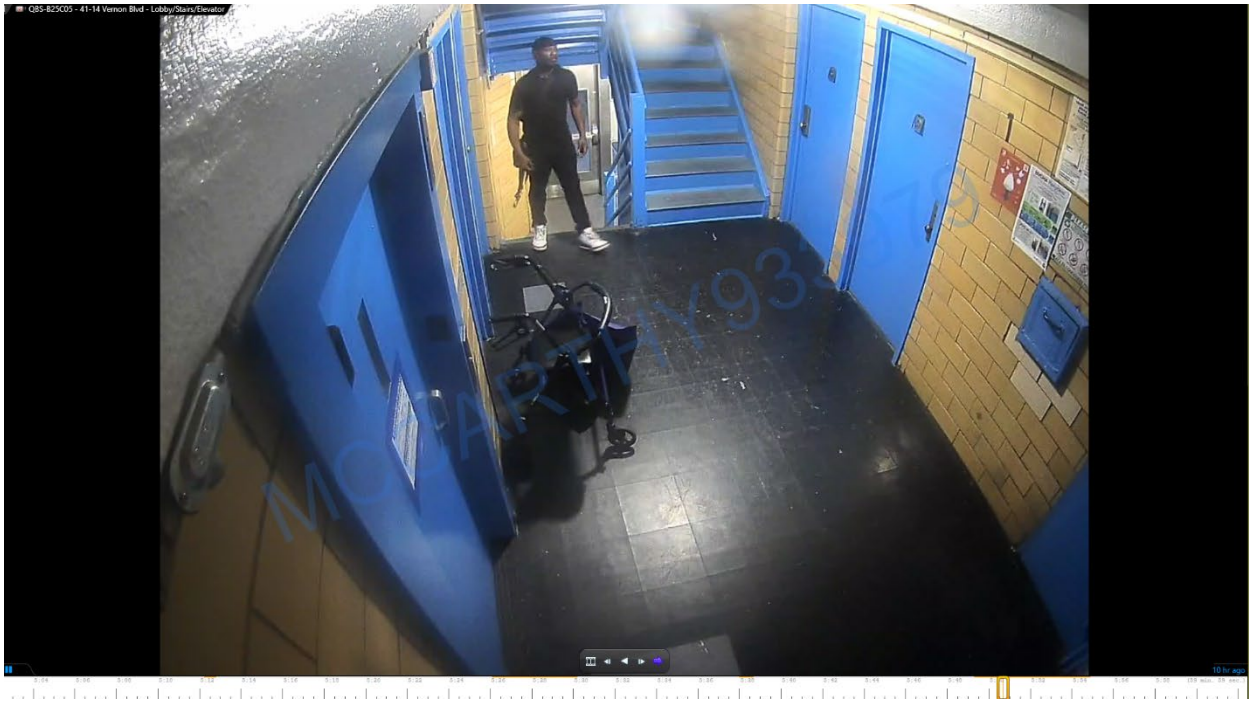




THE JULY 18, 2023 ROBBERY

8. On July 18, 2023, at approximately 2:47 a.m., security video footage from 41-14 Vernon Boulevard depicted YOUNG walking down the stairs, unmasked and wearing what appeared to be the same black baseball cap from the April 12 robbery, a short-sleeved t-shirt, dark pants and white sneakers with a black line around the sides. YOUNG is then depicted exiting the location. That same day, at approximately 5:15 a.m., YOUNG walked into 45-17 Broadway, in Queens, the same store that YOUNG robbed on April 12, 2023 as described in paragraph 5. Surveillance video footage from the grocery store showed YOUNG wearing the same clothing he was depicted wearing when leaving 41-14 Vernon Boulevard at approximately 2:47 a.m., apart from his face now covered by a black ski-type mask. YOUNG pointed a black gun at the cashier, threw a black bookbag at the cashier, and demanded that he put money into the bag. The black gun and the black bookbag depicted in the video footage appeared to be the same gun and bookbag YOUNG used in the prior robberies. After the cashier placed approximately \$1,200 in the black bookbag, YOUNG took the black bookbag and left the location. Security video footage from the stairwell of 41-14 Vernon Boulevard at approximately 5:50 a.m. depicted YOUNG, now unmasked, entering the location from the stairwell, wearing the same items he wore during the robbery approximately 35 minutes earlier. Photos of YOUNG leaving 41-14 Vernon Boulevard on July 18, 2023, YOUNG inside the grocery store that same day and YOUNG returning to 41-14 Vernon Boulevard are on the following two pages.





IDENTIFICATION OF YOUNG ON THE SECURITY VIDEO FOOTAGE

9. I have conferred with Officer Serge St. Fleur of the NYPD, who is familiar with YOUNG's face, build, height, and weight based on Officer St. Fleur's arrest of YOUNG for a domestic violence assault on June 28, 2023. While processing YOUNG's arrest that day, Officer St. Fleur interacted with YOUNG—speaking with him, escorting him around the police station, getting him photographed, and remaining in his close proximity as the officer responsible for him—for approximately eight hours as Officer St. Fleur processed YOUNG's arrest. Officer St. Fleur viewed security video footage and a still photo from the security video footage from the stairwell of 41-14 Vernon Boulevard from June 26, 2023 and informed me that he recognized the individual depicted in that footage to be YOUNG based on his prior arrest of YOUNG.

10. On Tuesday, August 1, 2023, I and other law enforcement agents executed a warrant issued on July 27, 2023 by Honorable James R. Cho, United States Magistrate Judge of

the Eastern District of New York, to search 41-14 Vernon Boulevard, Apartment 2F, Queens, New York (the "PREMISES") where the evidence indicates YOUNG resided at the time.³

YOUNG was not present at the PREMISES at the time of the search. Upon a search of the PREMISES, law enforcement recovered, among other items, the following: a black bookbag, a fanny pack, four black ski-type masks, blue sweatpants, a black zip-up hooded sweater, a black jacket with a white logo on the left chest and dark blue sneakers with a white lining on the sides. Each of these items is consistent with clothing or shoes that YOUNG wore in committing at least one of the previously described robberies or with the bookbag that YOUNG used in storing the proceeds of the robberies.

11. A comparison of YOUNG's voice recorded on the security video footage from the April 29, 2023 robbery with other recordings of YOUNG's voice establishes YOUNG's identity as the perpetrator of the robberies. I have listened to audio recordings of YOUNG's recorded phone calls during his prior incarceration at Rikers Island from October 2022 and June 2023 as well as video footage from NYPD body-worn camera footage that captured YOUNG's face, build and voice. Based on my review of all of these audio and video recordings, I believe the voice of the robber on the security video footage from the April 29, 2023 robbery to belong to YOUNG. YOUNG's height and build as depicted on the body-worn camera footage I reviewed related to his arrests in 2021, 2022, and 2023 are also consistent with YOUNG's height and build as depicted in security video footage from all three robberies. YOUNG's facial

³ Based on my review of a report from the New York State Criminal Justice Agency dated June 30, 2023, YOUNG self-reported the PREMISES as his residence in connection with his state arrest on June 28, 2023. Additionally, YOUNG can be seen walking within 41-14 Vernon Boulevard, over a more than two-month period, on security video in a manner consistent with his residing at the PREMISES.

features as depicted on the same body-worn camera footage also appear to be consistent with his facial features from the security footage on June 26, 2023 when he is unmasked.

WHEREFORE, your deponent respectfully requests that an arrest warrant for the defendant JAMES YOUNG be issued so that he may be dealt with according to law. I further request that the Court order that this application, including the affidavit and arrest warrants, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation. Disclosure of this application and these orders would seriously jeopardize the ongoing investigation, as such a disclosure would give the targets of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates and flee from or evade prosecution.



BRIAN MCCARTHY
Task Force Officer
Bureau of Alcohol, Tobacco and Firearms and
NYPD Joint Robbery Task Force

Sworn to before me this
11th day of August 2023

Taryn A. Merkl

THE HONORABLE TARYN A. MERKL
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK